

6-19-01

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06/18/01

31044 U.S. PTO

Docket No.: 2071

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mark D. Goddard

Entitled: SYSTEM AND METHOD FOR PROVIDING A DATA BACKUP OF A  
SERVER ON CLIENT SYSTEMS IN A NETWORK

June 18, 2001

To the Assistant Commissioner  
for Patents  
Box Patent Application  
Washington, D.C. 20231

CERTIFICATE OF MAILING BY EXPRESS MAIL

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Date of Deposit June 18, 2001

I hereby certify that this paper or fee is being deposited with the U.S.  
Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 on the date indicated above and is addressed to the  
Assistant Commissioner for Patents, Washington, D.C. 20231

ReNea D. Berggren

Signature

Dear Sir:

REQUEST FOR FILING A NATIONAL PATENT APPLICATION

Transmitted herewith for filing, please find the following:

- X  1. Specification, claims and abstract of the above-referenced patent application having  
 21  pages.
- X  2.  7  sheet(s) of drawing(s) ( X  formal   informal) comprising Figures  1   
through  7 .
- X  3A. Declaration ( X  signed   unsigned).
- X  3B. Power of Attorney ( X  signed   unsigned).
- 3C. No filing fee, Oath, or Declaration is enclosed pursuant to 37 C.F.R 1.53(d).
- X  4. Information Disclosure Statement along with Form PTO-1449 and references.

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X 5. This is a:      Continuation-In-Part;      Divisional;      Continuation;      substitute Application (MPEP 201.09) of Application Serial No.      filed     ;      reissue of U.S. Patent No.      filed on     ; X Original;      Provisional.

An extension to extend the life of the above prior Application to at least the date of filing hereof

(One box must be marked)

- (a)      is concurrently being filed in that prior Application,  
(b)      was previously filed in that prior Application,  
(c) X is not necessary for copendency.

X 6. Attached is an assignment to **Gateway, Inc.** Please return the recorded assignment to the undersigned.

     7. Priority is claimed under 35 U.S.C. § 119 based on foreign filing.

|     | <u>Application No.</u> | <u>Filing Date</u> |
|-----|------------------------|--------------------|
| (1) | <u>    </u>            | <u>    </u>        |
| (2) | <u>    </u>            | <u>    </u>        |
| (3) | <u>    </u>            | <u>    </u>        |

     (No.) Certified copy (copies)      are attached; or      were previously filed on     .

     8. Attached:      (No.) verified statement(s) establishing "small entity" status under 37 CFR § 1.9 and 1.27.

X 9. Attached:

X Return Postcards  
X Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)

     10. Preliminary Amendment:

Prior to a first Office Action, kindly amend the Application as follows:

11. The following Filing Fee calculation is based on the claims filed less any claims canceled by the Preliminary Amendment of Item 10.

|                                                                                                                                       |                 |     |   |                 | SMALL<br>ENTITY<br>RATE | OR        | LARGE<br>ENTITY<br>RATE |   |                 |
|---------------------------------------------------------------------------------------------------------------------------------------|-----------------|-----|---|-----------------|-------------------------|-----------|-------------------------|---|-----------------|
| BASIC<br>FEE                                                                                                                          |                 |     |   |                 | \$355                   | <u>OR</u> | \$710                   | = | \$710           |
|                                                                                                                                       | NUMBER<br>FILED |     |   | NUMBER<br>EXTRA |                         |           |                         |   |                 |
| TOTAL<br>CLAIMS                                                                                                                       | 25              | -20 | = | 5               | \$9                     | <u>OR</u> | \$18                    | = | \$90            |
| INDEP.<br>CLAIMS                                                                                                                      | 4               | -3  | = | 1               | \$40                    | <u>OR</u> | \$80                    | = | \$80            |
| If any <u>proper</u> multiple dependent claim (ignore improper) is present<br>(Enter \$0.00 if this is a <u>reissue</u> application.) |                 |     |   |                 | \$135                   | <u>OR</u> | \$270                   | = | \$0             |
| If assignment is x'd (item 6), add recording fee \$40.00                                                                              |                 |     |   |                 |                         |           |                         |   | \$40            |
| Attached is a Rule 47 Petition (inventor refuses to sign or cannot be reached) \$130                                                  |                 |     |   |                 |                         |           |                         |   | \$0             |
| <b>TOTAL FILING FEE</b>                                                                                                               |                 |     |   |                 |                         |           |                         | = | <b>\$920.00</b> |

12. A check in the amount of \$\_\_\_\_\_ to cover the Filing Fee calculated in Item 11 is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 50-0439.
- X 13. Please charge my Deposit Account No. 50-0439 in the amount of **\$920.00** to cover the Filing Fee calculated in Item 11. This sheet is attached in duplicate.
- X 14. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, and to have and cause any necessary petition for extension of time to be filed and any fees necessary to be paid for said extension of time OR credit any overpayment to our Deposit Account No. 50-0439, for which purpose a duplicate copy of this sheet is attached. **The Commissioner is not authorized to charge the issue fee until/unless an issue fee transmittal form is filed.**

## Patent Application

DATED: June 18, 2001.

Respectfully submitted,  
Mark D. Goddard

By:

William J. Breen, III  
Reg. No. 45,313

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PATENT TRADEMARK OFFICE

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

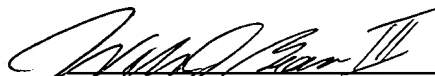
In re Application of : Mark D. Goddard  
Express Mail N<sup>o</sup> : EL 643 197 712 US  
Filed : June 18, 2001  
For : **SYSTEM AND METHOD FOR PROVIDING A DATA  
BACKUP OF A SERVER ON A CLIENT SYSTEMS IN A NETWORK**

Assistant Commissioner for Patents  
Washington, DC 20231

**REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)**

I hereby certify that the invention disclosed in the attached application **has not and will not be** the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. I hereby request that the attached application not be published under 35 U.S.C. 122(b).

Dated: June 18, 2001



William J. Breen, III  
Reg. N<sup>o</sup> 45,313

This request must be signed in compliance with 37 CFR 1.33(b) and submitted with the application **upon filing**.

Applicant may rescind this nonpublication request at any time. If applicant rescinds a request that an application not be published under 35 U.S.C. 122(b), the application will be scheduled for publication at eighteen months from the earliest claimed filing date for which a benefit is claimed.

If applicant subsequently files an application directed to the invention disclosed in the attached application in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant **must** notify the United States Patent and Trademark Office of such filing within forty-five (45) days after the date of the filing of such foreign or international application. **Failure to do so will result in abandonment of this application (35 U.S.C. 122(b)(2)(B)(iii)).**

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